

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, December 4, 2007**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 9:03 AM.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated December 4, 2007, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of November 20, 2007, as presented. Motion carried 4-0, with one abstention.** Commissioner Raley abstained because he was absent from the November 20, 2007 meeting.

1. Draft Agendas for December 11 and 18, 2007
2. **St. Mary's County Public Schools**

*(Dr. Michael Martirano, Superintendent of Schools; Dr. Brad Clements, CFO)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Budget Amendment in the total amount of \$13,401.57 from completed public school capital projects to the Board of County Commissioners Capital Improvement Program reserve, and to sign the Budget Amendment in the amount of \$108,000 from the FY08 Local Relocatable project to fund the cost overruns on the George Washington Carver Elementary Replacement School project, as were approved by the Board of**

**Education on November 12, 2007, and to sign the related letter of consent. Motion carried 5-0.**

*(Dr. Michael Martirano, Superintendent of Schools; Daniel Carney, CFO)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve request to increase instructional staff (Curriculum Specialist) at the Chesapeake Public Charter School by .5 FTE, approved by the Board of Education on November 14, 2007, and to sign the related letter of consent. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve a budget adjustment increasing the Board of Education's FY2008 budget by \$860,000 to fund the employee premium holiday and the paraprofessional pay adjustment, as requested by the Board of Education. This Budget Amendment increases the budget authority in the Instructional Salaries category by \$96,000, the Special Education category by \$64,000, and the Fixed Charges category by \$700,000, with these amounts being funded by part of the CareFirst refund received by the Board of Education. Also, I move to not approve the requested use of the balance of the refund, or \$1,976,261, given the proposed State funding cuts to the Board of Education for FY2009 and FY2010, since these funds may be needed to balance one or both of those budgets, and should be retained for consideration as part of our FY2009 budget deliberations. And, finally I move to sign the related letter of consent evidencing these actions. Motion carried 5-0.**

3. **Dept. of Economic and Community Development** *(Bob Schaller, Director; Robin Finnacom, President/CEO, Community Development Corporation)*

*Mr. Schaller and Ms. Finnacom were joined at the presentation table by Mr. Torres and Mr. Braddock.*

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Installation and Maintenance Agreements of Streetscape Improvements with the following companies: Torres Enterprises, LLC, in the amount of \$8,495; Bay District Volunteer Fire Department, Inc., in the amount of \$9,944; Lexington Park Family Dentistry in the amount of \$5,760; and, C & O Enterprises, LLC, in the amount of \$8,344. Motion carried 5-0.**

4. **Dept. of Public Works and Transportation** *(George Erichsen, P.E., Director)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Performance Agreement for the Continued Maintenance and Repair for Helen's Retreat Subdivision, Section 1, located in the 4th Election District with an Expiration Date of October 1, 2008, and to sign Resolutions accepting Troy Court into the County Highway Maintenance System, and to post a stop sign and 25-mph speed limit sign on said road. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Public Works Agreement for Stallman Subdivision, Section 6, located in the 8th Election District with an Expiration Date of December 1, 2008, and to sign the Public Works Agreement Addendum for Dahlia Park of Wildewood Subdivision, Phase 1, also located in the 8th Election District with an Expiration Date of October 1, 2008. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the Budget Amendment in the amount of \$48,000, transferring funds from the FIN08 CIP Reserve to the Landfill Mitigation project, SW0801, in support of the on-going Supplemental Environmental Site Assessment Activities at the St. Andrew's Landfill. Motion carried 4-0, with one abstention (Commissioner Raley).**

5. **Recreation, Parks, and Community Services** (*Cynthia Brown, Community Services Div. Mgr.; Jackie Beckman, Highway Safety Coord.*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the FY2008 Community Traffic Safety Program grant from the Sate Highway Administration in the total amount of \$116,200 and to authorize Commissioner President Russell to sign the related Budget Amendment. Motion carried 5-0.**

6. **Rec., Parks, and Community Services and So. MD Center for Family Advocacy, Inc.** (*Cynthia Brown, Community Services Div. Mgr., RP&CS; Laura Joyce, Executive Dir., So. MD Center for Family Advocacy*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Edward Byrne Memorial Justice Assistance Grant Award and Acceptance in the amount of \$51,750, and the related Sub-recipient Agreement. Motion carried 5-0.**

7. **Dept. of Public Safety** (*Dave Zylak, Director*)

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the Fire and Emergency Medical Services' List of Authorized Equipment for St. Mary's County, formerly the Radio Standards, as presented, with the intent that procurement of the listed radios will be dependent upon the Fire Department's and/or the Rescue Squad's request for the equipment and available funding, to be decided by the Board of County Commissioners in during the regular budgetary process. Motion carried 4-1. Commissioner Mattingly voted no.**

8. **Dept. of Human Resources** (*Sue Sabo, Director*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve Lt. Terry Black and Sr. Deputy First Class William Raddatz as the two representatives from the Sheriff's Office to serve as members of the Sheriff's**

**Office Retirement Plan Board of Trustees, each for two year terms from January 1, 2008 through December 31, 2009. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve Change 2 to the St. Mary's County Manual of Personnel Policies and Procedures, allowing County employees to rollover annual leave to sick leave, effective December 4, 2007, and to sign the associated Resolution as presented today by staff. Motion carried 5-0.**

9. **Local Management Board and County Administration** (*Bennett Connelly, LMB; Sabrina Hecht, Chief of Staff*)

**Commissioner Dement moved, seconded by Commissioner Mattingly, to sign the Memorandum of Understanding between the Local Management Board and the Board of County Commissioners to develop a plan for a Human Services office and appoint Bennett Connelly as the Transition Director. Motion carried 5-0.**

10. **County Administration** (*John Savich, County Administrator*)

**Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the 2008 Board of County Commissioners Meeting Schedule/Calendar as presented. Motion carried 5-0.**

## **DEPARTMENT OF PUBLIC SAFETY VOLUNTEER TASK FORCE INTERIM RECOMMENDATION**

Present: Dave Zylak, Director, Dept. of Public Safety  
David Deaderick, Chairman, Volunteer Task Force  
Sue Sabo, Human Resources Director

In response to the current critical shortage of emergency personnel, the Emergency Services Task Force requested, as an immediate interim measure until final solutions are decided upon, to work with the Director of Public Safety to solicit a contract for a Paramedic in Charge for forty (40) hours a week. The paramedic would serve as an emergency interim service provider for a period of six months, with options to extend, pending final resolution of recommendations by the Volunteer Task Force.

The Volunteer Task Force will provide their report to the Emergency Services Committee (ESC) and the BOCC simultaneously and will then provide the BOCC with the ESC's response/input). It was clarified that the Public Safety Director will oversee the contract, and the ALS Chief will provide the day-to-day direction and supervision for the position. It was further clarified that the position will be a contract using the revolving fund account, and an RFP will be initiated.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to support the interim request by the Volunteer Task Force to establish a contract paramedic position (contract for services) and to direct staff to return to the Board of County Commissioners with the appropriate details and proposal; i.e., approved Job Description and Contract with Budget Amendment. Motion carried 5-0.**

### **COMMISSIONER'S TIME**

The Commissioners highlighted events for the past week and personal interest items.

**DEPT. OF LAND USE AND GROWTH MANAGEMENT PUBLIC HEARING:  
CRITICAL AREA GROWTH ALLOCATION REQUEST, CASE #05-110-056,  
BOUNDARY LINE ADJUSTMENT PLAT – PERROTTA PROPERTY, TAX MAP  
39, GRID 18, PARCEL 299, LOTS 500-1, 500-2, 500-3, EAST SIDE OF  
NEWTOWN NECK RD., NORTH OF INTERSECTION WITH BEN MORGAN  
RD.**

Present: Jeff Jackman, Sr. Planner  
Sue Veith, Environmental Planner

The Public Hearing commenced at 11:28 a.m. Mr. Jackman provided details and stated for the record that that legal notice of the public hearing was advertised in the November 16 and 21, 2007, editions of the Enterprise, posted on the property, and sent via certified mail to adjoining property owners.

The following are proposed and the subject of the public hearing:

1. Amend Map 39 of the Official Zoning Maps of Ordinance Z-02-01 to change the Critical Area overlay from LDA (Limited Development Area) to RCA (Resource Conservation Area) on 3.0 acres described as Lots 500-2 and 500-3 of the Eppard Property (Plat 53 at Page 60 recorded in the Land Records of St. Mary's County, and as shown on said "Boundary Line Adjustment Plant – Perrotta Property") and revert 3.0 acres of growth allocation previously awarded thereto; and
2. Award 1.5 acres of growth allocation and change the Critical Area overlay from RCA to LDA for the new lot 500-2 described by said proposed "Boundary Line Adjustment Plat – Perrotta Property", Case No. 05-110-056.

Mr. Jackman stated that additional information pertinent to this case was received this morning from the Critical Area Commission staff that the applicant must respond to. Mr. Jackman requested the public hearing be continued for 30 days. Staff will work with the County Attorney to determine if the public hearing will need to be re-advertised, and if the case will need to go back through the Planning Commission.

**Commissioner Raley moved, seconded by Commissioner Mattingly, in consideration of the applicant, to continue the Public Hearing for Case #05-110-056 until January 15, 2008. Motion carried 5-0.**

Three individuals signed-up to speak; i.e., Robin Guyther, Fay Graves, and Chuck Oertly.

Mr. Guyther said notification by certified mail had been sent out.

Mr. Chuck Oertly stated that not all adjoining property owners were notified. His daughter owns property across from the Perrotta property and did not receive notification. He also voiced concern about the time of day that the public hearing was scheduled. He said that he knows of four other individuals that would like to attend but could not get off from work.

### **MOTION TO ENTER INTO EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to enter into Executive Session for the purpose of discussing Real Property Acquisition matters, specifically discussions regarding acquisition of property for future FDR Blvd. Motion carried 5-0.**

### **EXECUTIVE SESSION**

#### **Real Property**

**Present:** Commissioner Francis Jack Russell, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, County Administrator  
Sabrina Hecht, Chief of Staff  
Christy Chesser, County Attorney  
Liz Passarelli, Real Property Manager  
George Erichsen, Director, Public Works & Transportation  
Denis Canavan, Director, Land Use & Growth Management

**Authority:** Article 24, Section 4-210(a)11  
**Time Held:** 11:55 am – 12:20 pm  
**Action Taken:** Commissioners discussed potential acquisition of property.

### **MOTION FROM EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session on matters regarding real property acquisition. Motion carried 5-0.**

## **DEDICATION AND START UP NEW ARSENIC MITIGATION WELL**

Commissioners and MetCom Board participated in the dedication ceremony and startup of a new Arsenic Mitigation well at the St. Mary's Industrial Park off of Airport View Drive in California.

## **JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS AND THE ST. MARY'S COUNTY METROPOLITAN COMMISSION BOARD OF DIRECTORS** (held at the St. Mary's County Regional Airport, main terminal meeting room, 44200 Airport Road, California, MD)

Board of County Commissioners present:

- Commissioner President Francis Jack Russell
- Commissioner Kenneth R. Dement
- Commissioner Lawrence D. Jarboe
- Commissioner Thomas A. Mattingly, Sr.
- Commissioner Daniel H. Raley

County staff present:

- John Savich, County Administrator
- Denis Canavan, Director, Land Use and Growth Management
- Amy Carter, Videographer
- Karen Everett, Public Information Officer
- Donna Gebicke, Recorder.
- Sabrina Hecht, Chief of Staff
- Elaine Kramer, Chief Financial Officer

St. Mary's County Metropolitan Commission Board Members present:

Frank Taylor, Chair  
Kathleen Werner, Vice Chair  
Philip Cranford  
Brenda Hanson  
Chuck (Thomas) Lancaster  
Charles Owen  
Joseph St. Clair  
Michael Oliver, representing Patuxent Naval Air Station, NAS

MetCom staff members present:

Steve King, Director  
Anne Mary Cullins, Director, Human Resources Dept.  
Chet Frederick, Chief Engineer  
Rebecca Shick, Chief Financial Officer  
Mike Sullivan, Chief, Facilities & Operations Dept.

Commissioner President Russell opened the meeting, which he described as an opportunity for both Boards to share information and bring the BOCC up to speed on major issues, projects, future plans, and any resulting financial implications. It is anticipated that joint BOCC/MetCom meetings will continue to be held at least two times per year.

MetCom Chairperson Frank Taylor referred to the written information provided by MetCom, which included: a description of current facilities, wastewater collection systems and treatment plants; FY07 wastewater test results, the FY 2008-2012 Operating Budget, the Auditor's Report for Year Ending June 2006; FY2008-2012 Capital Improvements Budget; and customer service survey responses.

The following are highlights of the discussions that took place.

#### Request for Approval to Create Two New Staff Positions

Chairman Taylor and MetCom staff provided an explanation of the need for two, new MetCom staff positions: (1) Construction Laborer in the Engineering Department, and (2) an Administrative Assistant in the Operation and Maintenance Department. A formal request for approval to create these two positions will be presented at an upcoming BOCC meeting.

Commissioner Mattingly requested that a copy of the Pay and Classification Study completed for MetCom by the Singer Group in FY 06 be provided to the Commissioners.

#### Public Perceptions

Commissioner President Russell opened a discussion on MetCom's image in the community and the need to improve public understanding of MetCom's policies and procedures. The community at-large has been grappling with the issue of growth for some time and the Board will continue to have major growth issues before them over the coming year. Chairman Taylor pointed out several public misconceptions that he is aware of, including: that MetCom determines where growth will occur through the extension of sewer and water lines and is driving it into the RPD, that there is no recourse for citizens, and that there is no accountability. MetCom only operates and maintains the infrastructure once planning decisions have been made by the County. It was requested that the County assist MetCom in overcoming these misconceptions.

While acknowledging that there is always room for improvement, Chairman Taylor reviewed MetCom's open meeting policy and opportunities for customers to seek resolution of issues from the MetCom Board. It was noted that the upcoming adoption of a revised St. Mary's County Comprehensive Water and Sewer Plan is a good opportunity to inform the public on how growth and water and sewer decisions are made and the importance of public input into the process.

Commissioner Jarboe stressed the need to mesh the policies of each agency involved in water and sewer issues so that they are not only practical and consistent for the consumer, but are economically and environmentally sound. Commissioner Mattingly called for improved coordination and tracking of information regarding EDUs and school capacity among the three agencies: MetCom, Board of Education, and the County.

### Infrastructure Issues

The last MetCom "facilities plan" was prepared in 1985. The state has mandated that sewage treatment plants be upgraded by 2011 to reduce nitrogen levels in water discharged into the Chesapeake Bay watershed. Estimated cost to upgrade Marlay-Taylor is approximately \$23,000,000.

Public hearings for Planning Commission expected to begin by February 2008. Second phase expected to be completed by September 2008. Design should start by January 09.

MetCom began work on a 20 year plan in December 2006. Water distribution and sewer collection systems have been GIS mapped and modeled. The first phase to determine adequacy of existing facilities is almost complete. The second phase began in August 2007 and is being led by the Department of Land Use and Growth Management staff to determine treatment plant expansion, upgrade needs, and collection system expansion needs.

### Conservation – Striking a Balance

Mr. St. Clair requested assistance from the County in helping to solve the challenge of balancing water conservation with maintaining the integrity of the system. For example, the "green" technologies planned for schools, such as the new Wildewood Elementary,

call for dry urinals which can cause deterioration of pipes, and the plant is not designed to handle the resulting extra strong sewage. MetCom is in favor of reducing wastewater, however, policies must be adopted that work towards a balance.

### Development Planning

Denis Canavan, Director of Land Use and Growth Management, provided an update on the County's current planning efforts and state mandates.

St. Mary's Comprehensive Water and Sewer Plan has not been updated since 1993 (the state requires updates every three years). MetCom, the Health Department, the Town of Leonardtown and County staff have been meeting over the last year on a draft updated plan. The BOCC held a public hearing on the draft plan on November 20<sup>th</sup> and is expected to take legislative action within the next several weeks. The Comprehensive Plan must be updated every six years per state law. The County will be updating the plan in 2008.

House Bill 1141 is a new state initiative that must be addressed when updating the water and sewer plan. Regulations must be met by October 2009.

Commissioner Mattingly asked about the use of potable water for commercial tasks, such as gravel washing. Mr. King responded that he sent a letter to the Maryland Department of the Environment asking them to consider any reasonable alternative for using potable aquifer for non-residential purposes. Unnecessary uses of this water should only take place when there is no other choice. Mr. Savich offered the assistance of the Dept. of Economic and Community Development to communicate with major commercial water users.

Mr. St. Clair stressed the importance of preserving corridor/buffer zone for affluent. Legislation is needed to help reduce the amount of heavy lead/metals being put on land.

### Patuxent River Naval Air Station's and Webster Field's Water & Sewerage System

In 2001 MetCom responded to the Navy's RFP for the purchase of utilities previously constructed and operated on the bases. MetCom was selected as "most favorable offer" in 2003 and negotiations commenced but were then put on hold in 2005, and have recently been revived. MetCom is currently conducting due diligence, on site-investigation, revising its Capital Improvement Plan, and reviewing outstanding legal issues.

Mr. King clarified that MetCom is not using county backed bonds to buy existing facilities on the base. If negotiations result in MetCom purchasing the Navy's facilities, the Navy would issue MetCom a promissory note, secured by the Deed of Trust on the facilities. The amount of the monthly payments to the Navy necessary to retire this note will then be passed on to the Navy as a debt service charge. The result is that one expense offsets the other. The County will have no out-of-pocket expenses for

MetCom's purchase of the facilities. Most likely, state grants will be used to finance the purchase. Bond Counsel, Sam Ketterman, advised MetCom that the transactions will not affect the bond standing and indebtedness of county. If MetCom should default and the County has to levy a tax to pay off the debt, then, of course the County will be affected.

In addition to the benefit assessment charge, there will be a charge to cover the cost for labor, materials and equipment necessary to operate and maintain the system. The charge will be sufficient for MetCom to recover all of, but no more than, the expenses incurred on behalf of the Navy.

If a contract between MetCom and the Navy ensues, it will stipulate that the purchase will not place any financial burden on MetCom customers or the County as a whole. It is MetCom's intention to do a good job operating the system and to only cover its costs so that the Navy is financially positioned as effectively as possible for the next BRAC.

Commissioner Raley asked that MetCom work with the County's Chief Financial Officer and the bond counsel on any financial issues related to the Navy project.

Chairman Taylor noted that MetCom will take each of the Commissioner's comments into consideration as it proceeds with negotiations with the Navy.

### Summary

Mr. Savich summarized the main areas of agreement.

- Efforts to improve communication flow will continue.
- MetCom will consult with the County's Chief Financial Officer and Bond Counsel on financial issues related to the Navy project.
- Joint meetings will be scheduled at least two times per year.
- Efforts to increase citizen understanding of MetCom policies and procedures will be formalized and actively promoted.
- The County's Department of Economic and Community Development is available to assist MetCom in communicating with major commercial water users.
- Development of an MOU will continue to move forward.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe to adjourn the meeting at 3:55 p.m. Motion carried.**

### **PUBLIC HEARING: TO RECEIVE PUBLIC COMMENT RELATIVE TO THE BOARD OF COUNTY COMMISSIONER'S CONSIDERATION OF THE ADOPTION OF THE CODE FORM OF HOME RULE GOVERNMENT**

The second public hearing to receive public comment regarding BOCC's consideration of adopting the code home rule form of government was held at the Lexington Park Library, beginning at 6:30 p.m.

Commissioner President Russell noted that there will be two additional public hearings regarding the subject matter and that the record for accepting public comments will remain open for ten days after the last public hearing which is scheduled for February 5, 2008, at the Governmental Center in Leonardtown. The next hearing will be January 15, 2008, at the Ridge Volunteer Fire Department. Both public hearings will begin at 6:30 p.m.

### **Public Testimony:**

#### **Keenon James, 46200 Craney Cove Ln, Great Mills MD**

Mr. James provided testimony in support of moving St. Mary's County from the current Commissioner form of government to Code Home Rule. Stating that the checks and balances will still exist in Annapolis, Code Home Rule allows local officials to make

local decisions. Mr. James acknowledged that the current commissioner form of government has worked well, but it is time for a change.

Mr. James referenced the number of legislative proposals that have been submitted, many of which were for local (versus state) issues. Mr. James closed by saying that we should be pilots of our future, not passengers.

The public hearing closed at 6:35 p.m. and the meeting was adjourned.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_  
Betty Jean Pasko, Sr. Admin. Coordinator